

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED  
03 MAY 16 PM 2:21  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

Lydia Hovanski, )  
 )  
Plaintiff, )  
 )  
v. ) CIVIL ACTION NO. CV-03-S-0838-S  
 )  
American Income Life Insurance Company; )  
Office and Professional Employees )  
International Union Local No. 277, )  
 )  
Defendants. )

**ANSWER OF DEFENDANT OFFICE AND PROFESSIONAL EMPLOYEES  
INTERNATIONAL UNION LOCAL NO. 277**

Comes now Office and Professional Employees International Union Local No. 277 and submits its Answer to Plaintiff's Complaint as follows:

**AFFIRMATIVE DEFENSES**

1. Plaintiff's claim against Defendant Local 277 is barred as a result of Plaintiff's failure to invoke and exhaust available contractual remedies.
2. Plaintiff's claim against Defendant Local 277 is barred as a result of Plaintiff's failure to invoke and exhaust internal union remedies.
3. Plaintiff's Complaint fails to state a claim upon which relief can be granted against Defendant Local 277.
4. Plaintiff's claims against Defendant Local 277 are barred by applicable periods of limitation.
5. Plaintiff's claims are not within the jurisdiction of this Court.

**ANSWER TO THE ALLEGATIONS OF THE COMPLAINT**

6. Defendant, Local 277 acknowledges Plaintiff's assertion of jurisdiction set forth in Paragraph 1 of the Complaint but denies that any of the asserted bases for jurisdiction is applicable to Plaintiff's claim against Local 277.

7. Defendant Local 277 admits the allegations of paragraphs 3 through 5 of the Complaint.

8. Pursuant to agreement of Plaintiff's counsel that paragraphs 2 and 10 through 43 of the Complaint are not directed against Defendant Local 277, no answer to such paragraphs is necessary or appropriate.

9. Defendant Local 277 denies the allegations of paragraphs 44, 47, 48, 49 and 50 of the Complaint.

10. Defendant Local 277 admits the allegations of paragraphs 45 and 46 of the Complaint.

  
Richard P. Rouco  
Attorney for Defendant OPEIU local 277

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing has been served via United States mail, postage prepaid and properly addressed, on the 16<sup>th</sup> day of May, 2003, to the following:

Jon Goldfarb, Esq.  
Gordon, Silberman, Wiggins & Childs, P.C.  
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Of Counsel